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DEPARTMENT OF PUBLIC SAFETY
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**Investigations Committee Meeting
Wednesday, August 4, 1999
Maine EMS Conference Room, Augusta**

Meeting Minutes

Present: S. Leach, Chair; R. Doughty; S. Hayes

Staff: D. White; B. Montejo

Guests: Peter Coffey

1. CALL TO ORDER - The meeting was called to order at 1:00 p.m.

A. Additions/Deletions to the Agenda -

1. Richard Brown - Applicant
2. Process for Committee Action Between Meetings

B. Accept Minutes of May 5, 1999, meeting

The minutes of the May 5, 1999, meeting were reviewed. S. Hayes recommended an amendment to the Michael Spadinger case to further clarify the Committee's decision. Specifically he recommended that the information include "that Michael Spadinger met the educational and testing requirements (for licensure) prior to the expiration of his license; that the application was inadvertently mailed to the wrong office; and, that the Committee determined that a willful violation did not exist.

MOTION: TO ACCEPT THE MINUTES OF THE MAY 5, 1999, MEETING AS AMENDED, ABOVE (Hayes; Doughty -motion carries).

2. INVESTIGATIONS

A. Peter Coffey- Informal Conference

The committee conducted an informal conference with licensee Peter Coffey regarding case #98-21. Present for the informal conference were committee members S. Leach, S. Hayes, and R. Doughty; Maine EMS staff members D. White and B. Montejo; and, licensee Peter Coffey.

The committee entered executive session at 2:17 p.m. for the purpose of conducting the informal conference and exited executive session at 3:02 p.m. following conclusion of the informal conference.

Committee discussion ensued regarding the investigation of licensee Peter Coffey and the circumstances involved in this case. The Committee requested further investigation as to the level of trust placed in Mr. Coffey by the services with which he is currently employed or associated.

MOTION: TO TABLE CASE 98-21, PETER COFFEY, UNTIL SUCH TIME AS THE INFORMATION REQUESTED BY THE COMMITTEE IS OBTAINED (Hayes;Leach - motion carries).

B. Penobscot Valley Hospital Ambulance Service

The committee reviewed case #99-06, including information provided by Danel Bahr, regional coordinator for Northeastern EMS, and Paul Liebow, regional medical director for Northeastern EMS. Due to the complexity of the issues surrounding this investigation, the Committee determined that the case should be referred for consideration by the Board.

MOTION: TO REFER CASE 99-06, PENOBSCOT VALLEY HOSPITAL AMBULANCE SERVICE, TO THE BOARD FOR CONSIDERATION AT ITS OCTOBER, 1999, MEETING (Hayes; Doughty - motion carries).

C. Three Rivers Ambulance Service

The Committee reviewed the response received from the service in reference to case # 99-10, Three Rivers Ambulance Service. The Committee requested that staff continue its investigation, to include information from the Paramedic involved in the call.

D. Eastport Ambulance Service

No action taken by the Committee pending verification of the service's licensure status by staff.

E. Christopher Reed

The Committee reviewed the response of licensee Christopher Reed. Aggravating factors in the case are that the story presented by Mr. Reed did not seem plausible and that he did not report his criminal convictions on his application for Maine EMS licensure. Mitigating circumstances include that he did report the convictions on his application for EMS employment; that he has no other criminal history; and, that Maine EMS would not have denied licensure based upon Mr. Reed's criminal convictions.

MOTION: THAT LICENSEE CHRISTOPHER REED FAILURE TO DISCLOSE HIS HISTORY OF CRIMINAL CONVICTIONS ON HIS 1997 APPLICATION FOR EMS

LICENSURE IS A VIOLATION OF §12(A)(2) AND 12(A)(16) OF THE MAINE EMS RULES; THAT THE COMMITTEE FINDS THAT MITIGATING CIRCUMSTANCES EXIST IN THIS CASE; AND, THAT THERE IS NO EVIDENCE OF A WILLFUL VIOLATION OF THE RULES. THEREFORE, THE COMMITTEE DIRECTS THAT MR. REED RECEIVE A WRITTEN REPRIMAND, AND THAT THE REPRIMAND BECOME PART OF MR. REED'S PERMANENT RECORD AT MAINE EMS (Hayes; Doughty - motion carries).

F. James Rogers

The Committee reviewed information gathered in the case of licensee James Rogers. The information included correspondence from the City of Westbrook, and a copy of a consent agreement entered into by the City and Mr. Rogers.

MOTION: THAT LICENSEE JAMES ROGER'S PRIMARY OFFENSE WAS AGAINST THE STATE OF MAINE; THAT THE COMMITTEE HAS CONCERNS ABOUT MR. ROGER'S POOR JUDGMENT AND CONVICTION OF AN ALCOHOL RELATED OFFENSE; THAT THERE IS INSUFFICIENT EVIDENCE TO INDICATE THAT A VIOLATION OF THE MAINE EMS RULES EXISTS; AND, THAT THE CASE AGAINST MR. ROGERS BE DISMISSED (Hayes;Rogers - motion carries).

G. Mary Kate Moody

The Committee reviewed the information concerning licensee Mary Kate Moody. They directed staff to ascertain Ms. Moody's training status at the time of her license expiration.

H. Brian Elliot

Staff updated the Committee on the findings of the Administrative Court in the case of licensee Brian Elliot. Mr. Elliot's license will be suspended for a period of 30 days (September 1, 1999 - September 30, 1999).

I. William George

The Committee reviewed its May 5, 1999, decision concerning case 97-09, William George. Staff indicated that Mr. George had requested a fair hearing based upon the Committee's May 5, 1999, decision.

MOTION: TO RECONSIDER ITS MAY 5, 1999, DECISION CONCERNING CASE 97-09, WILLIAM GEORGE (Hayes; Leach - carries 2-0-1; abstention by Doughty)

Further discussion ensued with the Committee determining that a hearing before the Board was in order.

MOTION: THE INVESTIGATIONS COMMITTEE FINDS THAT WILLIAM GEORGE, MAINE EMS LICENSE #12485, WAS NOT IN ATTENDANCE FOR THE FEBRUARY 24, 1997, EMS LEGAL ISSUES CEH PROGRAM IN QUESTION, AND THAT THE FALSIFICATION OF THIS CEH CERTIFICATE CONSTITUTES WILLFUL VIOLATIONS OF SECTIONS 12(A)(2), 12(A)(12), AND 12(A)(16) OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996); AND, THAT THE COMMITTEE DIRECTS STAFF TO REFER THIS MATTER TO THE BOARD FOR FAIR HEARING. (Leach; Hayes - carries 2-0-1, abstention by Doughty).

J. John Sawicki

Staff reported that the recommended decision of the Board concerning John Sawicki was still awaiting a final decision by the Commissioner of Public Safety.

K. Scott Brann

D. White reported that information had been received which indicated that former licensee Scott Brann, MEMS license # 16372, may have performed EMS patient care without a valid EMS license and may have forged an EMS license card as proof of licensure. Mr. Brann's EMS license expired in October 1997.

Discussion ensued.

MOTION: THAT THE COMMITTEE FINDS SUFFICIENT EVIDENCE TO SUGGEST THAT FORMER LICENSEE SCOTT BRANN, MAINE EMS LICENSE #16372, FORGED AN EMS LICENSE CARD IN ORDER TO FALSIFY THE EXPIRATION DATE OF SAID LICENSE; THAT BRANN PRESENTED THE FORGED LICENSE TO THE CHIEF OF A MAINE LICENSED SERVICE AS PROOF OF CURRENT EMS LICENSURE, AND, THAT BRANN PRACTICED EMS PATIENT CARE WITHOUT A VALID LICENSE. THE COMMITTEE RECOGNIZES THAT SCOTT BRANN IS NOT CURRENTLY LICENSED BY THE BOARD AND THEREFOR DIRECTS THAT THIS CASE BE FILED UNTIL SUCH TIME AS SCOTT BRANN MAKES APPLICATION FOR A LICENSE; AND, THAT INFORMATION REGARDING THIS CASE BE FORWARDED TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION (Hayes; Doughty - motion carries).

3. APPLICATIONS

A. Peter King

B. Montejo advised the Committee of a recently received license upgrade application from Peter King in which the applicant indicated a history of a 1993 conviction for furnishing liquor to a minor, and a 1999 conviction for Operating Under the Influence (OUI). The State Bureau of Identification (SBI) report indicated no record on file, and a Department of Motor Vehicle (DMV) report confirms the OUI. The Committee noted that the applicant is currently licensed and discussion ensued regarding this recent conviction. B. Montejo advised the Committee that he has spoken with the individual who has been very forthcoming and remorseful regarding the incident and that this does appear to be an isolated event.

MOTION: THAT THE BOARD ENTER INTO A CONSENT AGREEMENT WITH LICENSEE PETER KING FOR ISSUANCE OF A THREE YEAR CONDITIONAL LICENSE WITH THE STIPULATION THAT: THE APPLICANT SUCCESSFULLY COMPLETE ANY ALCOHOL SCREENING/REHAB PROGRAM THAT WAS IMPOSED UPON HIM AS PART OF THE OUI SENTENCE; AND, THAT UPON THE FILING OF ANY CRIMINAL OR ALCOHOL RELATED OFFENSE AGAINST HIM IN A STATE OR FEDERAL COURT DURING THE PERIOD OF LICENSURE, HE SHALL IMMEDIATELY AND UNCONDITIONALLY SURRENDER HIS EMS LICENSE TO THE BOARD . (Doughty; Leach -motion carries).

B. Robert Dumont

B. Montejo advised the Committee of a recently received license renewal application from Robert Dumont in which the applicant indicated a history of past convictions for Operating After Suspension (1991), Furnishing Liquor (1991), and Possession of Marijuana (1989), that he had not previously disclosed. Committee discussion ensued regarding these convictions and the wording of the license application that was completed by the applicant in 1996. The Committee noted that though the applicant's conduct showed significant poor judgment, the convictions were all civil violations. The application form that was completed by Mr. Dumont in 1996 had asked for information regarding criminal convictions.

MOTION: THE COMMITTEE FINDS THAT ROBERT DUMONT'S CONVICTIONS OCCURRED PRIOR TO HIS 1996 APPLICATION FOR EMS LICENSURE; THAT THOSE CONVICTIONS WERE CIVIL AND NOT CRIMINAL IN NATURE; THAT THE APPLICATION COMPLETED BY MR. DUMONT IN 1996 REQUESTED INFORMATION REGARDING ONLY CRIMINAL CONVICTIONS; AND, THAT ALTHOUGH NO VIOLATION OF THE MAINE EMS RULES EXISTS, MR. DUMONT'S CONDUCT IN 1989 - 1990 SHOWED A SIGNIFICANT LACK OF GOOD JUDGMENT. THEREFORE, THE COMMITTEE DIRECTS STAFF TO ISSUE MR. DUMONT A

LETTER OF WARNING REGARDING THIS MATTER. (Hayes; Doughty -motion carries).

C. Richard Brown

B. Montejo advised the Committee of a recently received license renewal application from Richard Brown. Mr. Brown has successfully completed the sanctions imposed upon him for practicing EMS care without a license (case #98-09), and has successfully completed the required training/testing requirements for license renewal.

MOTION: TO APPROVE RICHARD BROWN'S APPLICATION FOR EMS LICENSURE (Leach; Doughty - motion carries).

D. Thomas Varick

D. White presented a request from Thomas Varick for a determination of eligibility for licensure in Maine. Mr. Varick has a history of felony convictions in the State of Texas, and is currently under probation in the State of Maine.

The Committee reviewed information received from Mr. Varick, Mr. Varick's parole officer, and from the Maine EMS staff. The Committee expressed concern that the type of convictions of which Mr. Varick was convicted constitute multiple serious infractions in which individuals were put at risk.

MOTION: THAT THOMAS VARICK WAS CONVICTED IN 1981 FOR 2 COUNTS OF AGGRAVATED ROBBERY IN THE STATE OF TEXAS; THAT SAID CONVICTIONS AND THE CONDUCT LEADING TO THE CONVICTIONS ARE IN VIOLATION OF §12(A)(4), AND 12(A)(5) OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996); AND, THAT MR. VARICK IS INELIGIBLE FOR LICENSURE AS AN EMS PROVIDER IN THE STATE OF MAINE (Hayes; Doughty - motion carries).

E. Mary Libbey

D. White distributed information to the Board provided by Mary Libbey who is requesting a determination of eligibility for licensure in light of a history of misdemeanor convictions. the Committee reviewed Ms. Libbey's letter of explanation as well as conviction records obtained by Maine EMS.

MOTION: THAT MARY LIBBEY'S HISTORY OF MISDEMEANOR CONVICTIONS DO NOT CONSTITUTE GROUNDS FOR DENYING HER LICENSURE AS AN EMS PROVIDER IN THE STATE OF MAINE (Doughty; Hayes - motion carries)

4. Other

D. White requested that the Committee consider refining its method of making between-meeting decisions in matters such as license applications. White indicated a need for a single decision from the group rather than individual recommendations.

Discussion included the use of e-mail for Committee communication. Work to continue on this issue.

5. NEXT MEETING

A. Set Agenda - To be set prior to meeting

B. Set Date and Time - The next meeting of the Committee will be on September 1, 1999, following the Maine EMS Board meeting.

6. ADJOURNMENT - The meeting was adjourned at 3:45 p.m.

Respectfully Submitted,

Bill Montejo
Drexell White